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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------------|------------------|
| 10/668,621 | 09/23/2003 | Edward M. Ives | 18133-112 | 2189 |
| 30623 7590 04/19/2007 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111 | | | EXAMINER ELAMIN, ABDELMONIEM I | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2116 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/19/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/668,621

Applicant(s)

IVES, EDWARD M.

Examiner

Abdelmoniem Elamin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>7/31/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-7, 9-13, 15-16, 18-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson, Pub. No. US 2004/0215693 A1.

3. Claims 1, 7, 13, 22-23, 29, Thompson teaches a computer program product [*see page 12, claim 37 of Thompson*] for use with a computer [*127, 132, 142 of Fig. 1*] that includes a communication interface for sending and receiving information over a communication network [*105 of Fig. 1*] and that is connected to an uninterruptible power supply (UPS) [*UPS 120, 130, 130 ... of Fig. 1*] that monitors and supplies information regarding power status associated with the UPS [*see paragraph 0013*], the computer program product residing on a computer-readable medium and comprising computer-executable instructions for causing the computer to:

process data received from the UPS to which the computer is coupled to produce indicia of changes in power status associated with the UPS [*see paragraph 0013*];

provide the indicia of changes in power status associated with the UPS to the communication interface destined for a remote device [*UPS directory server 117 of Fig. 1*]; and

provide geographic information associated with the indicia of changes in power status that indicates a geographic location associated with the UPS [*see paragraph 0014*].

4. Claims 2, Thompson teaches instructions for causing the computer to process data entered by a user of the computer to produce the geographic information [*paragraph 0021*].

5. Claims 3, 16, Thompson teaches instructions for causing the computer to process external power-status information received via the communication interface and to display indicia of power status and at least one geographic region associated with the indicia of power status in accordance with the processed external power-status information [*step 240 of Fig. 2*].

6. Claims 5, 9, 20, Thompson teaches instructions for causing the computer to store data regarding changes in power status for historical display associated with at least one period of time [*inherent*].

7. Claims 6, Thompson teaches instructions for causing the computer to display an indication of a quantity of UPSs experiencing power failures in the geographic region [*paragraph 0002-0003*].

8. Claims 10, 18-19, 21, Thompson teaches the processor is configured to determine at least one of percentages and numbers of remote devices in a region whose power is anomalous [*paragraph 0022*].

9. Claims 11, 15, Thompson teaches the processor is configured to send the determined power status data at least one of periodically and in response to a received indication of a power status change from at least one of the remote devices [*paragraph 0019*].

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10. Claims 12, Thompson teaches the processor is further configured to monitor heartbeat signals from the remote devices and provide indicia of failures if the processor fails to detect at least one heartbeat signal in a threshold amount of time [*Fig. 1 and related disclosure*].

11. Claims 24, Thompson teaches a card configured to be physically and electrically coupled to the UPS and includes the communication interface [*Fig. 1 and related disclosure*].

12. Claims 25-28, 30, Thompson teaches the geographic data is a physical location, global positioning satellite coordinates, a street address, a ZIP CODE, a city, a county, a state, a country, or a power grid used by the UPS [*see steps 320-330 of Fig. 3*].

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 4, 8, 14, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson, Pub. No. US 2004/0215693 A1 in view of Sheynblat et al, US. Pat. No. 6,677,894 (cited in the previous office action).

15. Claims 4, 8 and 14, Thompson fails to teach instructions for causing the computer to display indicia of weather condition associated with each of the at least one geographic region.

Sheynblat teaches the claimed limitation of collecting weather data of geographic region (Column 21, lines 5-21).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ewing by sending weather condition of a geographic region, which will benefit the user of the system by informing the weather condition of particular geographic region. One would be motivated to do so to enhance the system's usability.

16. Claim 17, Thompson fails to teach the claim limitation of displaying map of geographic region.

Sheynblat teaches the claimed limitation of displaying map of geographic region (Column 21, lines 5-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ewing by displaying map of a geographic region, which will benefit the user of the system by directing to a particular geographic region. One would be motivated to do so to enhance the system's usability.

Response to Arguments

17. Applicant's arguments with respect to claim 1-30 have been considered but are moot in view of the new ground(s) of rejection.

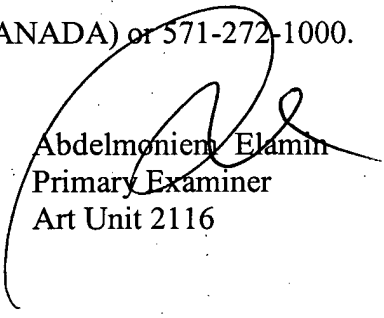
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelmoniem Elamin whose telephone number is 571-2727-3674. The examiner can normally be reached on MON - THUR 10:00 AM - 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Prveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Abdelmoniem Elamin
Primary Examiner
Art Unit 2116

April 11, 2007